



## THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: OKAMURA=2E

AF/1646  
#9  
#8  
01/09/02

In re Application of:

OKAMURA et al.

Appln. No.: 09/373,230

Filed: August 12, 1999

For: INF- $\gamma$  PRODUCTION INDUCING PROTEIN  
AND MONOCLONAL ANTIBODY OF THE...

BOX AF

Art Unit: 1646

Examiner: D. JIANG

Washington, D.C.

January 3, 2002

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NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

TECH CENTER 1600/2900

Honorable Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the final rejection (or the rejection of claims for at least the second time), dated July 3, 2001, of the Primary Examiner. The claims appealed are claims 1-9, 11, 14, and 15.

The item(s) checked below are appropriate:

Small Entity Status: Applicant(s) claim small entity status. See 37 CFR 1.27.

A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

XX The fee has been calculated as shown below:

XX \$320.00

\$160.00 (small entity)

Not required (fee paid in prior appeal)

XX Applicant hereby petitions for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

## Small Entity

## Response Filed Within

[ ] First - \$ 55.00

[ ] Second - \$200.00

[ ] Third - \$460.00

[ ] Fourth - \$720.00

month after time period set

## Other Than Small Entity

## Response Filed Within

[ ] First - \$ 110.00

[ ] Second - \$ 400.00

[ ] Third - \$ 920.00

[ ] Fourth - \$1440.00

month after time period set

[XX] Extension fees of 3 months already paid for on December 19, 2001.

A check in the amount of \$\_\_\_\_\_ is attached. (Check No. \_\_\_\_\_)

XX Credit Card Payment Form, PTO-2038, is attached, authorizing the amount of \$ 320.00.

XXX Please charge any deficit in the fee paid herewith to my Deposit Account No. 02-4035.

01/04/2002 EABUBAK1 00000072 09373230

01 FC:119

320.00 OP

Respectfully submitted,  
BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

By

ALLEN C. YUN

Registration No. 37,971

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Facsimile No.: (202) 737-3528

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: OKAMURA et al.

Application No.: 09/373,230

Filed: August 12, 1999

For: IFN- $\gamma$  PRODUCTION INDUCING PROTEIN AND ...

Art Unit: 1646

Examiner: D. Jiang

Washington, D.C.

Atty.'s Docket: OKAMURA=2E

Date: December 19, 2001

BY HANDCARRY

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TECH CENTER 1600/2900  
01 DEC 19 PM 3:48

THE COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Sir:

Transmitted herewith is a [XX] Amendment After Final Rejection [ ]  
in the above-identified application.

- [ ] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted
- [ ] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.
- [ ] No additional Fees Required.
- [XX] The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS	RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
TOTAL	* 12	MINUS	** 20	0	x 9	\$		x 18	\$
INDEP.	* 6	MINUS	*** 7	0	x 42	\$		x 84	\$ 160.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ 140	\$		+ 280	\$
					ADDITIONAL FEE TOTAL			TOTAL	
								\$ 160.00	

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- \*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.
- \*\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[XX] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity  
Response Filed Within

- [ ] First - \$ 55.00
- [ ] Second - \$1200.00
- [ ] Third - \$ 460.00
- [ ] Fourth - \$ 720.00

Month After Time Period Set

Other Than Small Entity  
Response Filed Within

- [ ] First - \$ 110.00
- [ ] Second - \$ 400.00
- [XX] Third - \$ 920.00
- [ ] Fourth - \$ 1440.00

Month After Time Period Set

[ ] Less fees (\$ ) already paid for month(s) extension of time on .

[XX] Please charge my Deposit Account No. 02-4035 in the amount of \$ 920.00.

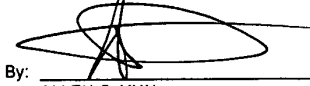
[ ] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ .

[ ] A check in the amount of \$ is attached (check no. ).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK

Attorneys for Applicant(s)

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